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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,060	04/26/2000	John Richard Bergan	156-102	9604

7590 11/18/2003

Donald W Marks  
3137 Mount Vernon Avenue  
Alexandria, VA 22305

EXAMINER

TO, BAOQUOC N

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 11/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/558,060

Applicant(s)

BERGAN, JOHN RICHARD

Examiner

Baoquoc N To

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-12 are pending in this application.

#### ***Response to Arguments***

2. Applicant's arguments filed 09/05/03 have been fully considered but they are not persuasive.

The applicant argues that "Nochur et al. do not conduct inspection of any database."

The examiner respectfully disagrees with the above argument because Nochur 's system creates a to do list or task list and allowing the user to perform the task in the predetermined of time. The system also have a mechanism to check if the task complete in the predetermined of time and report to the dispatcher (col. 13, lines 40-64). The checking of task complete is the same as the inspection management check present of the selected items. Therefore, similarity techniques are employed for the same purposes of checking and verifying if the task is complete or as the claimed invention for the present of the selected items.

The applicant argues "the checking of attendance has nothing to do with the database for the presence of lesson plans."

The examiner respectfully disagrees with the applicant because by verifying the presence of the attendance is same as verifying the lesson plans. When the student or employ is attended a particular session the lesson plans is being verified by that student attendance.

The applicant argues that, "the publishing or printing of a student progress report is not a teaching of inspecting a database for the presence of entries of child accomplishment"

The examiner respectfully disagrees with the applicant above argument because Doak's system allow the teacher to edit and input the lesson plans into the weekly and monthly agenda, and evaluation of outcome of the planning lesson (col. 5, lines 3-15). The evaluation of the on the complete task of lesson plan for the class is the presence of child accomplishment.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nochur et al. (US. Patent No. 5,835,758).

Regarding on claims 1 and 4, Nochur teaches a data checking system for determining if necessary files and data have been entered into a computerized management system having a data base containing a plurality of files and data, the system comprising:

An item list (to-do list) defining possible data in the computerized management system (col. 10, lines 11-12);

Means for displaying the list and for enabling the user to select one or more items in the item list as necessary for the management system (col. 10, lines 13-15);

Means enabling a user to request a check of the selected items (col. 10, lines 16-17); and

Means responsive to a request to check the selected items for conducting an inspection of the management system database to determine the presence of the selected items and for reporting the results of the conducted inspection (col. 13, line 40-64).

Nochur does not explicitly teach the reporting the results of the conducted inspection. However, Nochur teaches, "it provide feedback to users about correctness and completeness of the documents that create based on an internal system of syntax, semantics, and data attributes" (col. 10, lines 55-58). This teaches providing feedback to the user is the reporting the results after the inspection. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to include providing feedback to the user to allow the system to report on the action of the user's inputs.

Regarding on claims 7 and 10, Nochur teaches one of the selected items of the possible data includes a date and further comprising:

Means for setting period of one or more days (col. 6, lines 39-40);

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Said inspection conducting means determining the presence of the one selected item having a data within the selected period (col. 10, lines 18-27).

4. Claims 2, 6, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable Nochur et al. (US. Patent No. 5,835,758) in view of Grimse et al (US. Patent No. 6,269,355).

Regarding on claim 2 and 6, Nochur does not explicitly teach the claimed item list includes lesson plan information and the inspection conducting means determines the present or absence of lesson plans for a selected period in the management system database. However, Grimse teaches the list include the checking of attendance [col. 10, lines 15-41 and fig. 6]. The attendance is considered as the claimed. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify teaching Grimse into Nochur also in order to provide the checking system that is able to check not only the attendance but also to check for lesson plan to provide the parent or administration to track the school progress.

Regarding on claims 8 and 11, Nochur teaches the lesson plan information includes lesson plans having dates and furthering comprising:

Means for setting a selected period of one or more days (col. 6, lines 39-40);

Nochur teaches the system can provide the feedback to the user about the correctness and completeness of the documents they create based on the internal system of syntax, semantics, and data attributes (col. 10, lines 55-60). Nochur does not

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explicitly teach the presence of lesson plan. However, Grimse teaches "the list include the checking attendance" (col. 10, lines 15-41). The checking attendance is the presence of lesson plan. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Grimse into Nochur because allowing the checking of lesson plan would allow the school to track the student progress in the school.

5. Claims 3, 5, 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Nochur et al. (US. Patent No. 5,835,758) in view of Doak et al. (US. Patent No. 5,864,869).

Regarding on claims 3 and 5, Nochur does not teach the item list includes child developmental areas and the inspection conducting means determines the presence or absence of child accomplishment in the selected developmental areas. However, Doak teaches "allow the user or teacher to publish: seating chart; grading schemes; teacher and parent correspondence and progress report; class syllabi; evaluation(s). [col. 5, lines 31-35]. This teaches that the teacher can report to the school system the student accomplishment by grading or evaluation(s). It also allows other user to check the student progress. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to include the teaching of Doak into Nochur because reporting the student grade and the evaluation to the school system in Doak would allow the other to check the student progress.

Regarding on claims 9 and 12, Nochur teaches child accomplishment data is associated with set periods of time and further comprising:

Means for selecting a period of time of one or more days (col. 6, lines 35-40);

Nochur does not explicitly teach inspection conducting means determining the presence of child accomplishment data associated with the selected period of time. However, Doak teaches, "primary printed output, the weekly lesson plan, this invention also allows the user to publish: seating charts; grading schemes; teacher and parent correspondence and progress reports; class syllabi; evaluation" (col. 5, lines 31-35). This teaches the evaluation is done in weekly basic. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Doak into Nochur because utilizing the evaluation for the weekly basic would allow system to generate the progress report.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached at (703) 305-4393.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

- (703) 746-7238 [After Final Communication]
- (703) 746-7239 [Official Communication]
- (703) 746-7240 [Non-Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II  
2121 Crystal Drive  
Arlington, VA 22202  
Fourth Floor (Receptionist).


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Baoquoc N. To

Nov 13, 2003

  
KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100